

# House Study Bill 635

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED JUDICIAL BRANCH  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the distribution of a presentence  
2 investigation report in a criminal proceeding.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5365DP 81  
5 jm/je/5

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1 1 Section 1. Section 901.4, Code Supplement 2005, is amended  
1 2 to read as follows:  
1 3 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==  
1 4 DISTRIBUTION.  
1 5 The presentence investigation report is confidential and  
1 6 the court shall provide safeguards to ensure its  
1 7 confidentiality, including but not limited to sealing the  
1 8 report, which may be opened only by further court order. ~~At~~  
~~1 9 least three days prior to the date set for sentencing, the~~  
~~1 10 court shall send a copy of all of the presentence~~  
~~1 11 investigation report by ordinary or electronic mail, to the~~  
1 12 The defendant's attorney and the attorney for the state, and  
~~1 13 the shall have access to the presentence investigation report~~  
~~1 14 at least three days prior to the date set for sentencing. The~~  
1 15 report shall remain confidential except upon court order.  
1 16 However, the court may conceal the identity of the person who  
1 17 provided confidential information. The report of a medical  
1 18 examination or psychological or psychiatric evaluation shall  
1 19 be made available to the attorney for the state and to the  
1 20 defendant upon request. The reports are part of the record  
1 21 but shall be sealed and opened only on order of the court. If  
1 22 the defendant is committed to the custody of the Iowa  
1 23 department of corrections and is not a class "A" felon, ~~a copy~~  
~~1 24 of the presentence investigation report shall be forwarded by~~  
~~1 25 ordinary or electronic mail to the director with the order of~~  
~~1 26 commitment by the clerk of the district court and to the~~  
~~1 27 department and the board of parole at the time of commitment~~  
1 28 shall have access to the presentence investigation report.  
1 29 Pursuant to section 904.602, the presentence investigation  
1 30 report may also be released by ordinary or electronic mail by  
1 31 the department of corrections or a judicial district  
1 32 department of correctional services to another jurisdiction  
1 33 for the purpose of providing interstate probation and parole  
1 34 compact or interstate compact for adult offender supervision  
1 35 services or evaluations, or to a substance abuse or mental  
2 1 health services provider when referring a defendant for  
2 2 services. The defendant or the defendant's attorney may file  
2 3 with the presentence investigation report, a denial or  
2 4 refutation of the allegations, or both, contained in the  
2 5 report. The denial or refutation shall be included in the  
2 6 report. ~~If the person is sentenced for an offense which~~  
~~2 7 requires registration under chapter 692A, the court shall~~  
~~2 8 release the report by ordinary or electronic mail to the~~  
~~2 9 department.~~

## EXPLANATION

2 10 This bill relates to the distribution of a presentence  
2 11 investigation report in a criminal proceeding. The bill  
2 12 provides the court shall provide access to the presentence  
2 13 investigation report to the defendant's attorney and the  
2 14 county attorney at least three days prior to the sentencing  
2 15 hearing. Current law provides that the court send a copy of  
2 16 the presentence investigation report to the defendant's  
2 17 attorney and the county attorney by ordinary mail or  
2 18 electronic means three days prior to the sentencing hearing.

2 20 The bill also eliminates the requirement that the court  
2 21 release the presentence investigation report by ordinary or  
2 22 electronic mail to the department of corrections, if the  
2 23 person is required to register as a sex offender. Under  
2 24 current law and the bill, the department of corrections  
2 25 already has access to the presentence investigation report.  
2 26 A presentence investigation report is a report detailing a  
2 27 criminal defendant's criminal and social history.  
2 28 LSB 5365DP 81  
2 29 jm:nh/je/5.1